

SERVICE DATE - JUNE 6, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 32000 (Sub-No. 12)

RIO GRANDE INDUSTRIES, INC., SPTC HOLDING, INC., AND THE DENVER AND RIO
GRANDE WESTERN RAILROAD COMPANY

— CONTROL —

SOUTHERN PACIFIC TRANSPORTATION COMPANY
(Arbitration Review)

MOTION FOR PROTECTIVE ORDER

Decided: June 5, 2001

By motion filed on May 15, 2001, pursuant to 49 CFR 1104.14, the Union Pacific Railroad Company (UP or the carrier)¹ requests that the Board enter a protective order requiring that the briefs filed by both parties and the transcript of a November 30, 2000 hearing be kept confidential, and for such other relief as is just. In support of its motion, UP argues that the briefs refer to the transcript of testimony that the arbitrator presiding over the November 30, 2000 hearing improperly admitted over UP's objection that a portion of the testimony, the testimony of Robert Bogason, was subject to an attorney-client privilege. The carrier represents that, although opposing counsel does not agree that this testimony was privileged or that the transcript contains confidential material, he has agreed to file his own brief on a confidential basis "as a professional courtesy." The motion is unopposed.

The motion for a protective order will be granted. There is no apparent need for persons other than the parties to this proceeding to have access either to the transcript of the November 30, 2000 hearing or the parties' briefs at this time.

It is ordered:

1. The briefs filed by both parties and the transcript of the November 30, 2000 hearing will be kept under seal and not placed in the public docket, and the parties will not otherwise

¹ In this proceeding, the carrier has been referring to itself as the "Southern Pacific Transportation Company" (SP) because the events at issue occurred before SP and its affiliated carriers were absorbed by the Union Pacific Railroad Company. Because SP and its affiliated rail carriers no longer exist, this decision will refer to the carrier as "Union Pacific Railroad Company" or "UP."

disclose them to the public without a further order of the Board.

2. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary